

UNITED STATES DISTRICT COURT DISTRICT OF CONNECTICUT

NOTICE TO EMPLOYER - PROTECTION OF JUROR'S EMPLOYMENT

Your employee has been selected to serve as a member of the Federal jury service. Under our current Jury Plan, jurors are on call to serve over a period of two months.

The Jury System Improvement Act of 1978 provides statutory protection to the employment status of Federal jurors by prohibiting any employer to discharge, intimidate, threaten, or coerce any permanent employee by reason of the employee's Federal jury service or scheduled attendance for such service. For your information, the relevant section of the act is set forth below.

Section 6(a)(1), Chapter 121 of Title 28, United States Code, is amended by adding at the end thereof the following new section: United States Code 1873, Protection of jurors employment.

(a) No employer shall discharge, threaten to discharge, intimidate or coerce any permanent employee by reason of such employee's jury service, or the attendance or scheduled attendance in connection with such service, in any court of the United States.

(b) Any employer who violates the provision of this section:

(1) shall be liable for damages for any loss of wages or other benefits suffered by an employee by reason of such violation.

(2) may be enjoined from further violations of this section and ordered to provide other appropriate relief, including, but not limited to, the reinstatement of any employee discharged by reason of his/her jury service; and

(3) shall be subject to a civil penalty of not more than \$5,000.00 for each violation as to each employee.

(c) Any individual who is reinstated to a position of employment in accordance with the provisions of this section shall be considered as having been on furlough or leave of absence during his/her period of jury service, shall be reinstated to his/her position of employment without loss of seniority, and shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such individual entered upon jury service.

(d) An individual claiming that his employer has violated the provisions of the section may make an application to the District Court for the district in which such employer maintains a place of business and the court shall, upon finding probable merit in such claim appoint counsel to represent such individual in any action in the District court necessary to the resolution of such claim. Such counsel shall be compensated and necessary expense repaid to the extent provided by Section 3006A of Title 18, United States Code.

(2) In any action or proceeding under this section, the court may award a prevailing employee, who brings such an action by retained counsel, a reasonable attorney's fee as as part of the costs. The court may award a prevailing employer a reasonable attorney's fees as part of the costs if the court determines that the action is frivolous, vexatious, or brought in bad faith.